

Proposed Trailer Bill Language California Council on Criminal Justice Elimination

Section 1. Section 53114.1 of the Government Code is amended to read:
53114.1. To accomplish the responsibilities specified in this article, the division is directed to consult at regular intervals with the State Fire Marshal, the State Department of Public Health, the Office of Traffic Safety, the California Emergency Management Agency, ~~the California Council on Criminal Justice~~, a local representative from a city, a local representative from a county, the public utilities in this state providing telephone service, the Association of Public-Safety Communications Officials, the Emergency Medical Services Authority, the Department of the California Highway Patrol, and the Department of Forestry and Fire Protection. These agencies shall provide all necessary assistance and consultation to the division to enable it to perform its duties specified in this article.

Section 2. Section 36120 of the Health and Safety Code is amended to read:
36120. The coordinator, in cooperation with the Secretary of the Human Relations Agency, the Superintendent of Public Instruction, ~~the Executive Officer of the California Council on Criminal Justice~~, the Director of the Office of Planning, and any other executive officers the Governor may designate, shall develop goals for state participation in the Model Cities program. In order to take advantage of the opportunities for program innovation offered by the Model Cities program, one set of the goals for state participation shall be directed toward interdisciplinary program development, such as programs for early childhood development, community treatment as an alternative to criminal incarceration, and community services.

Section 3. Section 999c of the Penal Code is amended to read:
999c. (a) There is hereby established in the California Emergency Management Agency a program of financial and technical assistance for district attorneys' offices, designated the California Career Criminal Prosecution Program. All funds appropriated to the agency for the purposes of this chapter shall be administered and disbursed by the Secretary ~~executive director~~ of that agency ~~in consultation with the California Council on Criminal Justice~~, and shall to the greatest extent feasible be coordinated or consolidated with federal funds that may be made available for these purposes.
(b) The Secretary of Emergency Management is authorized to allocate and award funds to counties in which career criminal prosecution units are established in substantial compliance with the policies and criteria set forth below in Sections 999d, 999e, 999f, and 999g.

Section 4. Section 13800 of the Penal Code is amended to read:
13800. Unless otherwise required by context, as used in this title:
(a) "Agency" means the California Emergency Management Agency.
(b) ~~"Council" means the California Council on Criminal Justice.~~
(b)(c) "Federal acts" means the Federal Omnibus Crime Control and Safe Streets Act of 1968, the Federal Juvenile Delinquency Prevention and Control Act of 1968, and any act or acts amendatory or supplemental thereto.

~~(c)(d)~~ "Local boards" means local criminal justice planning boards.

~~(d)(e)~~ "Secretary" means the Secretary of Emergency Management.

Section 5. Section 13801 of the Penal Code is amended to read:

13801. Nothing in this title shall be construed as authorizing ~~the council, the office, or~~ the local boards to undertake direct operational criminal justice responsibilities.

Section 6. Section 13810 of the Penal Code is repealed:

~~13810. (a) There is hereby created in the state government the California Council on Criminal Justice, which shall be composed of the following members: the Attorney General; the Administrative Director of the Courts; 19 members appointed by the Governor, including the Commissioner of the Department of the Highway Patrol, the Secretary of the Department of Corrections and Rehabilitation, or his or her designee, a subordinate officer of the Secretary of Corrections and Rehabilitation, and the State Public Defender; eight members appointed by the Senate Committee on Rules; and eight members appointed by the Speaker of the Assembly.~~

~~—(b) (1) The remaining appointees of the Governor shall include different persons from each of the following categories: a district attorney, a sheriff, a county public defender, a county probation officer, a member of a city council, a member of a county board of supervisors, a faculty member of a college or university qualified in the field of criminology, police science, or law, a person qualified in the field of criminal justice research and six private citizens, including a representative of a citizens, professional, or community organization.~~

~~—(2) The Senate Committee on Rules shall include among its appointments different persons from each of the following categories: a member of the Senate Committee on Public Safety, a representative of the counties, a representative of the cities, a judge designated by the Judicial Council, and four private citizens, including a representative of a citizens, professional, or community organization.~~

~~—(3) The Speaker of the Assembly shall include among his or her appointments different persons from each of the following categories: a representative of the counties, a representative of the cities, a member of the Assembly Committee on Public Safety, a chief of police, a peace officer, and three private citizens, including a representative of a citizens, professional, or community organization directly related to delinquency prevention.~~

~~—(c) The Governor shall select a chairperson from among the members of the council.~~

Section 7. Section 13811 of the Penal Code is repealed:

~~13811. The council shall meet no more than 12 times per year. The council may create subcommittees of its own membership and each subcommittee shall meet as often as the subcommittee members find necessary. It is the intent of the Legislature that all council members shall actively participate in all council deliberations required by this chapter. Any member who misses three consecutive meetings or who attends less than 50 percent of the council's regularly called meetings in any calendar year for any cause except severe temporary illness or injury shall be automatically removed from the council.~~

Section 8. Section 13812 of the Penal Code is repealed:

~~13812. Members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this title. No compensation or expenses shall be received by the members of any continuing task forces, review committees or other auxiliary bodies created by the council who are not council members, except that persons requested to appear before the council with regard to specific topics on one or more occasions shall be reimbursed for the travel expenses necessarily incurred in fulfilling those requests. The Advisory Committee on Juvenile Justice and Delinquency Prevention appointed by the Governor pursuant to federal law may be reimbursed by the agency or agencies designated by the Director of Finance pursuant to Section 13820 for expenses necessarily incurred by the members. Staff support for the committee will be provided by the agency or agencies designated by the Director of Finance pursuant to Section 13820.~~

Section 9. Section 13813 of the Penal Code is repealed:

~~13813. The council shall act as the supervisory board of the state planning agency pursuant to federal acts. It shall annually review and approve, or review, revise and approve, the comprehensive state plan for the improvement of criminal justice and delinquency prevention activities throughout the state, shall establish priorities for the use of such funds as are available pursuant to federal acts, and shall approve the expenditure of all funds pursuant to such plans or federal acts; provided that the approval of such expenditures may be granted to single projects or to groups of projects.~~

Section 10. Section 13823 of the Penal Code is amended to read:

13823. (a) In cooperation with local boards, the agency shall:

- ~~(1) Develop a with the advice and approval of the council, the comprehensive statewide plan for the improvement of criminal justice and delinquency prevention activity throughout the state.~~
- ~~(2) Define, develop, and correlate programs and projects for the state criminal justice agencies.~~
- ~~(3) Receive and disburse federal funds. funds, perform all necessary and appropriate staff services required by the council, and otherwise assist the council in the performance of its duties as established by federal acts.~~
- ~~(4) Develop comprehensive, unified, and orderly procedures to ensure that all local plans and all state and local projects are in accord with the comprehensive state plan, and that all applications for grants are processed efficiently.~~
- ~~(5) Cooperate with and render technical assistance to the Legislature, state agencies, units of general local government, combinations of those units, or other public or private agencies, organizations, or institutions in matters relating to criminal justice and delinquency prevention.~~
- ~~(6) Conduct evaluation studies of the programs and activities assisted by the federal acts.~~

(b) The agency may:

- (1) Collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of criminal justice in the state.
- (2) Perform other functions and duties as required by federal acts, rules, regulations, or guidelines in acting as the administrative office of the state planning agency for distribution of federal grants.

Section 11. Section 13826.1 of the Penal Code is amended to read:

13826.1. (a) There is hereby established in the agency, the Gang Violence Suppression Program, a program of financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, or any consortium thereof, and community-based organizations which are primarily engaged in the suppression of gang violence. All funds appropriated to the agency for the purposes of this chapter shall be administered and disbursed by the Secretary ~~secretary in consultation with the California Council on Criminal Justice,~~ and shall to the greatest extent feasible be coordinated or consolidated with federal funds that may be made available for these purposes.

Section 12. Section 13826.7 of the Penal Code is amended to read:

13826.7. The agency ~~and the California Council on Criminal Justice are~~ is encouraged to utilize any federal funds that may become available for purposes of this chapter. This chapter becomes operative only if federal funds are made available for its implementation.

Section 13. Section 13831 of the Penal Code is repealed:

~~13831. The California Council on Criminal Justice may request the advice and assistance of the Judicial Criminal Justice Planning Committee in carrying out its functions under Chapter 2 of this title.~~

Section 14. Section 13832 of the Penal Code is repealed:

~~13832. The agency shall consult with, and shall seek the advice of, the Judicial Criminal Justice Planning Committee in carrying out its functions under Chapter 3 of this title insofar as they affect the California court system. In addition, any grant of federal funds made or approved by the office which is to be implemented in the California court system shall be submitted to the Judicial Criminal Justice Planning Committee for its review and recommendations, before being presented to the California Council on Criminal Justice for its action.~~

Section 15. Section 13881 of the Penal Code is amended to read:

13881. (a) There is hereby established in the agency a program of financial and technical assistance for district attorneys' offices, designated the California Major Narcotic Vendors Prosecution Law. All funds appropriated to the agency for the purposes of this chapter shall be administered and disbursed by the Secretary ~~secretary in consultation with the California Council on Criminal Justice,~~ and shall to the greatest extent feasible be coordinated or consolidated with federal funds that may be made available for these purposes.

Section 16. Section 13901 of the Penal Code is repealed:

~~13901. (a) For the purposes of coordinating local criminal justice activities and planning for the use of state and federal action funds made available through any grant programs, criminal justice and delinquency prevention planning districts shall be established.~~

~~—(b) On January 1, 1976, all planning district boundaries shall remain as they were immediately prior to that date. Thereafter, the number and boundaries of those planning districts may be altered from time to time by a two-thirds vote of the California Council on Criminal Justice pursuant to this section; provided that no county shall be divided into two or more districts, nor shall two or more counties which do not comprise a contiguous area form a single district.~~

~~—(c) Prior to taking any action to alter the boundaries of any planning district, the council shall adopt a resolution indicating its intention to take the action and, at least 90 days prior to the taking of the action, shall forward a copy of the resolution to all units of government directly affected by the proposed action together with notice of the time and place at which the action will be considered by the council.~~

~~—(d) If any county or a majority of the cities directly affected by the proposed action objects thereto, and a copy of the resolution of each board of supervisors or city council stating its objection is delivered to the Secretary of Emergency Management within 30 days following the giving of the notice of the proposed action, the council, or a duly constituted committee thereof, shall conduct a public meeting within the boundaries of the district as they are proposed to be determined. Notice of the time and place of the meeting shall be given to the public and to all units of local government directly affected by the proposed action, and reasonable opportunity shall be given to members of the public and representatives of those units to present their views on the proposed action.~~

Section 17. Section 13904 of the Penal Code is amended to read:

13904. (a) The membership of each local board shall be consistent with state and federal statutes and guidelines; shall be representative of a broad range of community interests and viewpoints; and shall be balanced in terms of racial, sexual, age, economic, and geographic factors. Each local board shall consist of not less than 21 and not more than 30 members, a majority of whom shall be locally elected officials.

~~(b) The California Council on Criminal Justice shall promulgate standards to ensure that the composition of each board complies with subdivision (a). The council shall annually review the composition of each board, and if it finds that the composition of a local board complies with the standards, it shall so certify. Certification shall be effective for one year; provided that if the membership of a board changes by more than 25 percent during a period of certification, the council may withdraw the certificate prior to its expiration.~~

~~(c) If the council determines that the composition of a local board does not comply with the standards, it shall direct the appropriate appointing authority to reappoint the local board and shall again review the composition pursuant to this section after such reappointments are made. The council may void decisions made by such board after such finding and due notice. The council may approve the allocation of planning or action funds only to those districts which have been certified pursuant to this section.~~